

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIRELL FRANCIS BETTIS TRUST and
KIRELL F. BETTIS-TAYLOR,

Plaintiffs,

v.

INTERNAL REVENUE SERVICE (IRS),
K. GREEN, and A. RASCHKE,

Defendants.

No: 1:20-cv-00148-NONE-SKO

ORDER ADDRESSING JUNE 12, 2020
FILING

(Doc. No. 17)

This case was closed on March 27, 2020, after plaintiff, who is subject to the three strikes provision of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g), failed to pay the required \$400.00 filing fee in full. (Doc. No. 11.) On April 27, 2020, the court denied plaintiff's motion for reconsideration, but afforded plaintiff one additional opportunity to pay the required filing fee, indicating that if plaintiff failed to pay the fee by May 11, 2020, the case would remain closed. (Doc. No. 13.) On May 7, 2020, plaintiff filed a document with the court that appeared to be a promissory note in an apparent attempt to satisfy the requirement that he pay the filing fee to proceed with this action. (Doc. No. 14.) That method of payment was rejected by the Clerk of Court because a promissory note is not a proper form of payment. (Doc. No. 15.) Accordingly, the case remains closed.

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1 On several occasions during this litigation, plaintiff sought to invoke the imminent danger
2 exception to the PLRA's three strikes provision. The court has repeatedly found that the
3 exception was not triggered. (*See* Doc. No. 3; Doc No 11 at 2.) On June 12, 2020, plaintiff filed
4 a document that again attempts to assert eligibility under the imminent danger exception. (Doc.
5 No. 17.) The court interprets this document as a motion for reconsideration. This latest filing
6 reiterates claims plaintiff has made previously concerning threats of retaliation related to his
7 refusal to withdraw a staff complaint about an alleged excessive use of force incident at Corcoran
8 State Prison. (*Id.*) Plaintiff now highlights a portion of an April 10, 2020 filing, in which he
9 asserted that on January 27, 2020, a correctional officer at plaintiff's current place of
10 incarceration (CCI Tehachapi) threatened him with physical violence if he did not withdraw his
11 staff complaint about the incident at Corcoran. (Doc. No. 12 at 6.) The court again has examined
12 plaintiff's assertions of imminent harm in detail and finds no basis for reconsideration of its prior
13 finding that plaintiff has failed to set forth "specific fact allegations of ongoing serious physical
14 injury, or a pattern of misconduct evidencing the likelihood of imminent serious physical injury."
15 *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003). Plaintiff's motion for reconsideration is
16 therefore DENIED.

17 IT IS SO ORDERED.

18 Dated: August 3, 2020

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UNITED STATES DISTRICT JUDGE